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In The United States Patent And Trademark Office

Application No. 10/795,860
Applicant Phillips, Jeffery O
Filing Date: July 12, 2004
Title: Novel Substituted
Benzimidazole Dosage Forms
and Method of Using Same
Attorney Docket: 04242373

Commissioner Of Patents
Customer Service Window
401 Delaney Street
Alexandria, VA 22313-1450

INFORMATION DISCLOSURE STATEMENT

Enclosed please find an information disclosure statement and cited references.

The U.S. Patent And Trademark Office hereby acknowledges the receipt of the information disclosure statement for 10/795,860.



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: Phillips, Jeffery O) CONF. NO.: 1266
)
APPL. NO. 10/795,860) GROUP ART UNIT: 1616
)
FILED: July 12, 2004) EXAMINER: Choi, Frank I.
)
TITLE: NOVEL SUBSTITUTED BENZIMIDAZOLE DOSAGE FORMS AND
METHOD OF USING SAME

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(signature of person mailing paper or fee) Edgar D. Villeda
(typed name of person mailing paper or fee)

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P.O. Box 1450
Alexandria, VA 22313-1450

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT
UNDER 37 C.F.R. § 1.97-1.98

Dear Sir:

Pursuant to a duty to disclose under 37 C.F.R. § 1.56 and §§ 1.97-1.98, as supplemented by M.P.E.P. § 609, Applicant brings to the attention of the Examiner the references listed on the attached Form PTO-1449. Applicant respectfully requests that the Examiner consider the listed documents and evidence the consideration of relevant portions thereof by making appropriate notations on the attached form. Copies of the listed non-patent literature are submitted herewith in accordance with 37 CFR § 1.98(a)(2).

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This Supplemental Information Disclosure Statement is filed pursuant to 37 C.F.R. § 1.97(c)(2), prior to the mailing date of any final action under § 1.113, a notice of allowance under § 1.311, or an action that otherwise closes prosecution. In connection with this filing, please charge Deposit Account No. 13-0019 the \$180 associated with submitting this Supplemental Information Disclosure Statement. Should there be any additional fees required or any credit refundable, the Commissioner is authorized to charge or refund Deposit Account No. 13-0019.

By way of this Supplemental IDS, Applicant is providing a copy of the litigation documents from November 13, 2007 through January 10, 2008 and from June 16, 2008 through September 22, 2008, pertaining to Santarus, Inc. and The Curators of the University of Missouri v. Par Pharmaceutical, Inc., Case Nos. 07-551-GMS and 07-827-GMS (D. Del.), consolidated under Case No. 07-551-GMS (D. Del.). In addition, copies of scientific literature and other non-patent literature are provided


Presentation of documents listed on enclosed Form PTO-1449 is not an admission that any listed document is prior art under the Patent Act and the right is reserved to antedate any material described in the listed documents by a showing under 37 C.F.R. § 1.131 or otherwise.

The filing of this Supplemental Information Disclosure Statement shall not be construed as a representation that a search has been made (37 C.F.R. §1.97(g)), an admission that the information cited is or is not considered to be material to patentability, or that no other material information exists. Applicant respectfully requests that the statement be considered by the Office in the course of prosecution of the application.

September 30, 2008

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Respectfully submitted,



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